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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,252	06/18/2001	Masao Takahashi	NAK-053-USA-P	8905

7590

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EXAMINER

ANDERSON, CATHARINE L

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 08/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,252

Applicant(s)

TAKAHASHI ET AL.

Examiner

C. Lynne Anderson

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "the contained liquid waste" in lines 4-5.

There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 3, the use of parentheses renders the claim indefinite because it is unclear whether the limitation(s) contained in the parentheses are part of the claimed invention.

Claim 4 recites the limitation "the other canister bottle" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the separated canister bottle groups" in lines 12 and 13. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "each group" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "less than 1" in line 3. This limitation renders the claim indefinite due to the lack of units disclosed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Cook et al. (5,470,324).

Cook discloses a liquid waste disposal apparatus comprising plural connected canister bottles 48 and 50, as shown in figure 1. The canister bottles 48 and 50 comprise an absorption port 46, a discharge port 72, and an exhaust port 54, as shown in figure 3. The canister bottles 48 and 50 are serially connected in a straight line, as shown in figure 1, and are fully capable of being connected in a series of three or more canister bottles.

Claims 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Alley (3,757,783).

Alley discloses a liquid waste disposal apparatus comprising plural connected canister bottles 32, 10, 102, and 50, as shown in figure 5. The canister bottles 32, 10, 102, and 50 comprise absorption ports 38, 18, 98, and 54, and discharge ports 40, 16, 118, and 56. The canister bottles 32, 10, 102, and 50 further comprise exhaust ports 70, 128, and 58. The canister bottles 32, 10, 102, and 50 are separated into two groups, 32 and 10, and 102 and 50. The canister bottles in each of the two groups are serially connected in a straight line, as shown in figure 5. The terminal canister bottles 10 and 50 comprise closed discharge ports 16 and 56. A patient hose 44 is connected to the primary canister bottle 32 at the absorption port 38.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook et al. (5,470,324) as applied to claims 1 and 3 above, and further in view of Middaugh et al. (5,185,007).

Cook discloses all aspects of the claimed invention with the exception of a solidifying agent. Cook discloses an outer container 48 and an inner bag 60, as described in column 6, lines 39-43.

Middaugh discloses a canister bottle 16, as shown in figure 1, comprising an absorption port 26 and a discharge port 32. The canister bottle 16 further comprises an outer container 18 and an inner bag 14. The inner bag 14 comprises a solidifying agent 38 that solidifies and swells to block waste from flowing out of the discharge port 32. The solidifying agent 38 is comprised in a float 36.

It would have been obvious to one of ordinary skill in the art at the time of invention to construct the canister bottle of Cook with the solidifying agent to Middaugh to block waste from flowing out of the discharge port of the canister bottle.

Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alley (3,757,783) as applied to claims 4 and 5 above, and further in view of Middaugh et al. (5,185,007).

Alley discloses all aspects of the claimed invention with the exception of a solidifying agent.

Middaugh discloses a canister bottle 16, as shown in figure 1, comprising an absorption port 26 and a discharge port 32. The canister bottle 16 further comprises an outer container 18 and an inner bag 14. The inner bag 14 comprises a solidifying agent 38 that solidifies and swells to block waste from flowing out of the discharge port 32.

Art Unit: 3761

It would have been obvious to one of ordinary skill in the art at the time of invention to construct the canister bottle of Alley with the solidifying agent to Middaugh to block waste from flowing out of the discharge port of the canister bottle.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents 3,938,540; 6,056,731; and 6,152,902 pertain to canister bottles connected serially.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (703) 306-5716. The examiner can normally be reached on Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, Primary Examiner Dennis Ruhl can be reached on (703) 308-2262. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 306-4520 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

CLA
cla
July 31, 2002


GLENN K. DAWSON
PRIMARY EXAMINER